

Message Text

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TO USMISSION GENEVA

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TAGS: AORG

SUBJECT: UN SYSTEM: DEPENDENCY ALLOWANCES FOR FOSTER
CHILDREN OF STAFF MEMBERS

REF: GENEVA 2476

1. DEPARTMENT NOT CLEAR AS TO DEFINITION OF "FOSTER CHILD"
AS USED BY UN ORGANIZATIONS. IN US A LEGALLY ADOPTED CHILD
IS NOT USUALLY CONSIDERED A FOSTER CHILD. ALSO, THE STATUS
OF A CHILD AS A DEPENDENT OF A STAFF MEMBER, OR AS, SAY,
A SURVIVOR OF A RETIREE, IS NOT NECESSARILY ANALOGOUS.

2. HAVE DISCUSSED REFTEL REQUEST WITH CIVIL SERVICE COM-
MISSION AND SOCIAL SECURITY ADMINISTRATION. HOWEVER, FOL-
LOWING INFORMATION ON BENEFITS AND APPLICABLE DEFINITIONS
OF "CHILD" ESSENTIALLY CONTAINED IN 3 FAM, STANDARDIZED
GOVERNMENT CIVILIAN ALLOWANCE REGULATIONS, 42 USC 402, AND
42 USC 416.

3. UNDER CIVIL SERVICE RETIREMENT REGULATIONS, THERE ARE
THREE TYPES OF BENEFITS, EACH WITH A DIFFERENT DEFINITION
OF CHILD:

A. SURVIVOR ANNUITY - CHILD, INCLUDING LEGALLY ADOPTED,
UNDER 18, UNMARRIED, OR OVER 18, UNMARRIED, IF INCAPABLE
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OF SELF-SUPPORT BY REASON OF MENTAL OR PHYSICAL DISABILITY

INCURRED BEFORE 18; STEPCHILD AND ACKNOWLEDGED ILLEGITIMATE CHILD, UNDER 18, UNMARRIED, AND HAS LIVED WITH EMPLOYEE IN A REGULAR PARENT-CHILD RELATIONSHIP; A CHILD, UNMARRIED, UNDER 18, WHO LIVED WITH AND FOR WHOM A PETITION OF ADOPTION WAS FILED BY AN EMPLOYEE OR MEMBER, AND WHO IS ADOPTED BY THE SURVIVING SPOUSE AFTER DEATH OF EMPLOYEE OR MEMBER. ANY OF PRECEDING OVER 18 TO 22, IF ENROLLED IN FULL-TIME COURSE OF STUDY.

B. LUMP-SUM BENEFIT - CHILD INCLUDES A NATURAL CHILD, ADOPTED CHILD, BUT NOT STEPCHILD.

C. FEDERAL EMPLOYEE HEALTH BENEFIT PROGRAM - UNMARRIED CHILD TO AGE 22, INCLUDING ADOPTED, STEP, FOSTER, OR RECOGNIZED NATURAL (ILLEGITIMATE) CHILD WHO LIVES WITH EMPLOYEE IN A REGULAR PARENT-CHILD RELATIONSHIP; AND UNMARRIED CHILD, REGARDLESS OF AGE WHO IS INCAPABLE OF SELF-SUPPORT BECAUSE OF PHYSICAL OR MENTAL INCAPACITY THAT EXISTED BEFORE HIS 22ND BIRTHDAY. TO BE CONSIDERED A FOSTER CHILD FOR THIS PURPOSE, THE EMPLOYEE MUST BE REARING THE CHILD AS HIS OWN AND MUST EXPECT TO CONTINUE TO REAR HIM TO ADULTHOOD. EXAMPLES: A CHILD WHOSE PARENTS HAVE DIED, IS LIVING WITH, AND BEING SUPPORTED BY A GRANDPARENT OR OTHER CLOSE RELATIVE WHO IS AN EMPLOYEE; A CHILD LIVING WITH AN EMPLOYEE UNDER A PRE-ADOPTION AGREEMENT; A CHILD WHO IS IN LEGAL CUSTODY OF AN EMPLOYEE. A CHILD PLACED IN AN EMPLOYEE'S HOME BY A WELFARE OR A SOCIAL SERVICE AGENCY, WHEREIN THE AGENCY RETAINS CONTROL AND PAYS HIS MAINTENANCE ; OR A CHILD TEMPORARILY LIVING WITH AN EMPLOYEE AS A MATTER OF CONVENIENCE, WOULD NOT QUALIFY.

4. UNDER FOREIGN SERVICE RETIREMENT REGULATIONS:

A. SURVIVOR ANNUITY AND LUMP SUM BENEFIT - CHILD, UNMARRIED , UNDER 18, OR UNMARRIED REGARDLESS OF AGE WHO BECAUSE OF PHYSICAL OR MENTAL DISABILITY INCURRED BEFORE 18 IS INCAPABLE OF SELF-SUPPORT. IN ADDITION TO OFFSPRING OF PARTICIPANT AND HIS OR HER SPOUSE, THE TERM INCLUDES AN ADOPTED CHILD, AND A STEP CHILD OR RECOGNIZED NATURAL CHILD WHO RECEIVED MORE THAN ONE-HALF OF HIS SUPPORT FROM THE UNCLASSIFIED

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PARTICIPANT.

B. FEDERAL EMPLOYEE HEALTH BENEFIT PROGRAM - SAME AS FOR CIVIL SERVICE (SEE PARA 3 C).

5. UNDER STANDARDIZED GOVERNMENT CIVILIAN ALLOWANCE REGULATIONS, FOR CIVILIAN EMPLOYEES SERVING IN FOREIGN AREAS, TO QUALIFY FOR ALLOWANCES A CHILD MUST BE RESIDING AT

POST WITH THE PARENTS (UNLESS CIRCUMSTANCES WARRANT GRANT-
ING OF SEPARATE MAINTENANCE ALLOWANCE), UNMARRIED, UNDER
21, OR REGARDLESS OF AGE INCAPABLE OF SELF-SUPPORT DUE TO
PHYSICAL OR MENTAL DISABILITY. THE TERM CHILD INCLUDES
NATURAL OFFSPRING, STEP, AND ADOPTED; AND UNDER LEGAL
GUARDIANSHIP OF THE EMPLOYEE OR THE SPOUSE WHEN SUCH CHILD
IS EXPECTED TO BE UNDER SUCH LEGAL GUARDIANSHIP AT LEAST
UNTIL HE REACHES 21 YEARS OF AGE AND WHEN DEPENDENT UPON
AND NORMALLY RESIDING WITH THE GUARDIAN.

6. UNDER SOCIAL SECURITY ADMINISTRATION, WHEN ONE OR BOTH
PARENTS ARE RECEIVING DISABILITY OR RETIREMENT PAYMENTS,
OR DIES - CHILD, UNMARRIED, UNDER 18, OR WAS A FULL TIME
STUDENT AND HAD NOT ATTAINED 22, OR UNDER DISABILITY WHICH
BEGAN BEFORE 22, AND DEPENDENT UPON SUCH INDIVIDUAL. CHILD
INCLUDES NATURAL LEGITIMATE, CHILD OF INVALID CEREMONIAL
MARRIAGE, RECOGNIZED ILLEGITIMATE, STEP, LEGALLY ADOPTED,

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